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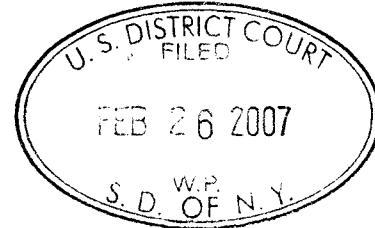
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MEMO ENDORSED

MARK D. FOX
United States Magistrate Judge
Southern District of New York

Mark D. Fox, U.S.M.J.
U.S. Courthouse
300 Quarropas Avenue
White Plains, NY 10601

February 23, 2007



Re: Borough of Upper Saddle River v. Village of Airmont and
Rockland County Sewer District # 1
07-cv-0109 (MDF)

Dear Judge Fox:

We represent the Village of Airmont in the above referenced matter, which has been assigned to your Honor from the WP4 docket.

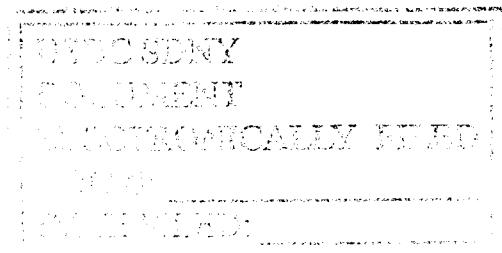
A Case Management Conference is being scheduled for March 12, 2007 and I am writing to request an extension of time to serve our Answer until after the conference so that your Honor may consider our application to file a motion to dismiss pursuant to Rules 12(b)(6) and 56 in lieu of submitting an Answer.

Plaintiff's Claims against the Village are premised upon a misconception that the Village owns and operates RCSD # 1. Since the Village does not own or operate RCSD # 1, the Village cannot be held responsible for the alleged discharge into U.S. waters.

Respectfully submitted,

Paul E. Svensson

To:
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2/26/07

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